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United Nations/Austria World Space Forum 2023

"Space 4 Our Common Future"

Vienna International Centre (VIC), Vienna, Austria, 12 - 14 December 2023

**Rule of law
and international cooperation in outer space as
enablers for the implementation of the 2030
Agenda**

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Rule of law

“a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws... consistent with international human rights norms and standards” (UN Secretary-General, S/2004/616, par. 6).

“Rule of law and development are strongly interlinked, and strengthened rule of law-based society should be considered as an outcome of the 2030 Agenda and Sustainable Development Goals (SDGs)”.

“Strengthening the rule of law involves respect for the norms of international law...”.





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International cooperation → Multilateralism

Multilateralism → “the coordination of national policies and practices among multiple States in a manner that reflects due regard for the participant States’ respective legal rights and authority to represent their people internationally”.

→ contrasted with **unilateralism**: when States act in the international field by themselves (whereas, in a multilateral context, they act “in concert with other States or with due regard to the legitimate interests of the people represented by other States”. (E.J. Criddle & E. Fox-Decent, “Mandatory Multilateralism”, A.J.I.L., Vol. 113:2, 2019).





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Sustainability in the context of outer space activities

Overarching theme: whether present use of outer space (by the developed, space faring States) → prevent or reduce the future use of outer space by the developing States.

A two-fold challenge: to preserve sustainability in space - to preserve sustainability on the Earth.





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In order for space activities to contribute to sustainable development, in the context of the “Space2030” Agenda, it will be necessary for the governance of space activities to be guided by international law and based on international cooperation among States.

This need is explicitly reflected both in Target 16.3 (SDG 16) and in the UN Secretary-General's "Policy Brief 7: For All Humanity - The Future of Outer Space Governance".





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Goals

16

Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels





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Target

16.3

Promote the rule of law at the national and international levels and ensure equal access to justice for all





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WHY? (The reason)





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→ Prescribed by the Law in force:

Article III OST

States Parties to the Treaty shall carry on activities in the exploration and use of outer space, including the Moon and other celestial bodies, **in accordance with international law, including the Charter of the United Nations,** in the interest of maintaining international peace and security and promoting international cooperation and understanding.





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→ **Prescribed by the Law in force:**

Article IX OST

In the exploration and use of outer space, including the Moon and other celestial bodies, States Parties to the Treaty shall be guided by the principle of cooperation and mutual assistance and shall conduct all their activities in outer space, including the Moon and other celestial bodies, **with due regard to the corresponding interests of all other States Parties to the Treaty...**

If a State Party to the Treaty has reason to believe that an activity or experiment planned by it or its nationals in outer space, including the Moon and other celestial bodies, would cause potentially harmful interference with activities of other States Parties in the peaceful exploration and use of outer space, including the Moon and other celestial bodies, **it shall undertake appropriate international consultations before proceeding with any such activity or experiment...**





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→ **Forced by today's pressing space needs:**

- space traffic management,
- return to the Moon and beyond,
- mega-constellations,
- increased intervention of private actors
- increased congestion and competition,
- prevent weaponization of outer space (SG, Our Common Agenda)
- space debris
- space resource activities (SG, Policy Brief 7)





→ **Law + Cooperation: needed to achieve sustainable development:**

Space2030 Agenda (A/RES/76/3, 28.10.2021) : The 4 PILLARS

Overarching objective 1: Enhance space-derived economic benefits and strengthen the role of the space sector as a major driver of sustainable development

Overarching objective 2: Harness the potential of space to solve everyday challenges and leverage space-related innovation to improve the quality of life

Overarching objective 3: **Improve access to space for all** and ensure that all countries can benefit socioeconomically from space science and technology applications and space-based data, information and products, thereby supporting the achievement of the Sustainable Development Goals

Overarching objective 4: **Build partnerships and strengthen international cooperation** in the peaceful uses of outer space and in the global governance of outer space activities





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→ **Law + Cooperation: needed to achieve sustainable development:**

Guidelines for the long-term sustainability of outer space activities

(PREAMBLE)

1 . *The Earth's orbital space environment constitutes a finite resource that is being **used by an increasing number of States**, international intergovernmental organizations and non-governmental entities . **The proliferation of space debris, the increasing complexity of space operations, the emergence of large constellations and the increased risks of collision and interference with the operation of space objects may affect the long-term sustainability of space activities** . Addressing these developments and risks **requires international cooperation by States** and international intergovernmental organizations to avoid harm to the space environment and the safety of space operations .*



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→ The Secretary-General has made similar assessments/conclusions:

“Our governance and regulatory regimes require updating in line with this new era to preserve outer space as a global common”

“A combination of binding and non-binding norms is needed, building on existing frameworks...”.

“Consideration could be given to a multi-stakeholder dialogue on outer space as part of a Summit of the Future (see para. 103 below) bringing together Governments and other leading space actors.” (Our Common Agenda)



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→ The Secretary-General has made similar assessments/conclusions:

“Over the past decade we have witnessed a fundamental change in the actors, ambitions and opportunities in outer space, and a new era of space exploration has come rapidly upon the multilateral system. It is our shared responsibility to ensure that existing international space law is fully implemented, and that effective governance is in place to propel innovation and mitigate risks” (Our Common Agenda Policy Brief 7: For All Humanity – the Future of Outer Space Governance, MAY 2023)





→ **The Risks (if not):**

Space activities in anarchy

Inappropriate promotion of private speculative interests at the expense of the safety, security and sustainability of space activities.

Frictions and conflicts between States that could threaten international peace and security.

The “legal deficit” may be perceived as a significant risk by investors and may discourage investment in the space sector.



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As a conclusion:

“...The challenges that we are facing can be addressed only through stronger international cooperation. The Summit of the Future, to be held in 2024, is an opportunity to agree on multilateral solutions for a better tomorrow, strengthening global governance for both present and future generations (General Assembly resolution 76/307)”.

- Secretary-General Policy Brief on Outer Space: Our Common Agenda Policy Brief 7 For All Humanity – the Future of Outer Space Governance (May 2023), Chapeau.





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Thank you!

